263) #5 Attorney Docket No. 101948023US21 6-11-02

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231, on:

PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE-PPLICATION OF: BRIAN G. AGEE ET AL. ART UNIT: 2631 **APPLICATION NO.: 09/920,903** CONFIRMATION NO.: 8061 FILED: August 3, 2001 FOR: HIGHLY BANDWIDTH EFFICIENT APR 2 2 2002 **COMMUNICATIONS Technology Center 2600 Information Disclosure Statement Within Three Months of** Application Filing or Before First Action – 37 CFR 1.97(b) Commissioner for Patents Washington, D.C. 20231 Sir: 1. Timing of Submission This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references and related application listed on the enclosed Form PTO/SB/08A (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application. 2. **Cited Information** X Copies of the following references and related application are enclosed: \times All cited references References marked by asterisks The following: Copies of the following references can be found in parent application Ser. No. \Box

The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a

All cited references

The following:

References marked by asterisks

 communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

All cited references
References marked by ampersands
The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. <u>Fee Payment</u>

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 CFR 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Date: April 11, 2002

Respectfully submitted,

Katherine D. Lee

Registration No. 44,865

Correspondence Address:

Perkins Coie LLP Customer No. 25096 Phone: (206) 583-8888

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conformance and not considered. Include copy of this form with next communication to applicant(s).